

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-HC-2098-D

DWIGHT AVON MAJOR,)
Petitioner,)
v.) ORDER
CRAIG APKER,)
Respondent.)

On April 20, 2012, Dwight Avon Major (“Major” or “petitioner”), a federal inmate proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 [D.E. 1], along with a supporting memorandum [D.E. 1-1] and attachments [D.E. 1-2]. Major seeks credit towards his term of incarceration from June 19, 2003, to April 18, 2008, and argues that the Bureau of Prisons erred in computing his prison sentence. Mem. Supp. Pet. [D.E. 1-1] 2–5; Resp. Opp’n Mot. Summ. J. [D.E. 17] 2–3. On July 1, 2013, the court concluded that Major was not entitled to the sentence credit and granted respondent’s motion for summary judgment [D.E. 18]. Major appealed [D.E. 20], and on June 27, 2014, the United States Court of Appeals for the Fourth Circuit affirmed the court’s judgment as to the period of time from June 19, 2003, to September 28, 2004. Major v. Apker, 576 F. App’x 284, 287 (4th Cir. 2014) (per curiam) (unpublished). However, as to the time period between September 28, 2004, and April 18, 2008, the Fourth Circuit reversed the grant of summary judgment and remanded the petition to the district court to “direct[] the BOP to reconsider Major’s request for sentencing credit, taking into account Bahamian law regarding suspension of a sentence pending appeal and the Government’s concession in its motion to dismiss

that the time period between September 2004 and April 2008 ‘has not yet been credited to another sentence.’” *Id.* at 288 (emphasis omitted). On July 15, 2014, Major moved for expedited consideration of the sentencing credit [D.E. 25].

On August 19, 2014, the Fourth Circuit issued its mandate [D.E. 28]. On August 27, 2014, the court granted in part Major’s application for a writ of habeas corpus, and directed respondent to reconsider Major’s request for sentencing credit for the time period between September 2004 and April 2008 pursuant to 18 U.S.C. § 3585(b) and the Fourth Circuit’s opinion [D.E. 29]. The court denied Major’s motion for expedited consideration. *Id.*

Major again requests expedited consideration of his sentencing credit [D.E. 33]. The motion lacks merit and is denied. See, e.g., DeMarr v. Morrison, Civ. A. No. 06-CV-02144-MSK-MEH, 2007 WL 2746769, at * 2 (D. Colo 2007) (unpublished) (denying a petitioner’s request to expedite BOP consideration of eligibility for early release into a Community Corrections program).

SO ORDERED. This 28 day of April 2015.



JAMES C. DEVER III
Chief United States District Judge